

**REMARKS**

Prior to this Amendment, original claims 1-25 were pending in the application. Of these, claims 11-15, 17-22, and 24 have been amended herein, and claims 1-10, 16, and 25 have been canceled without prejudice. Claims 26-44 have been added. As a result, upon entry of this Amendment, claims 11-15, 17-24, and 26-44 will remain pending in the Application, and for the reasons given below, Applicants respectfully request their allowance. Appendix A that follows these Remarks recites all of the pending claims, with editorial notation appearing in the amended claims to highlight the changes made.

**Claim Rejections - 35 U.S.C. §112**

In paragraph 4 of the Office Action, claims 11-16 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In response, Applicants have amended claim 11 to include a comma after "connected to said controller" as suggested by the Examiner. Applicants therefore believe that this ground for rejection has been overcome.

**Claim Rejections - 35 U.S.C. §103**

In paragraph 5 of the Office Action, claims 1-10, 17, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Comas, et al.* (U.S. Patent No. 5,738,583) in view of *Best* (U.S. Patent No. 4,445,187). In response, Applicants have canceled claims 1-10 and amended independent

claim 17 in order to clarify that the change in application state (that will occur numerous times during a typical game) is dependent not only on the program instructions themselves, but on data contained in the user profile, which may include such automatically-collected data, as usage locations, calling target locations, etc. (See Specification, page 21, line 19 through page 22, line 11.) This distinguishing feature is also present in newly added method claims 26-44. This innovation is distinguishable from *Best* because the “profiles” that the Examiner stated *must* be present (though unmentioned in that reference) deal with characters in the game already – and their behavior is guided by program instructions as influenced by direct user input. The present invention, in contrast, uses automatically-collected real world statistics to alter the program run sequence and content. The game can then be selectively customized to match scenarios that the user is probably familiar with, or even to include landmarks that the user is likely to soon encounter. The virtual space application will even draw profile information from non-game applications, such as the address book and appointment calendar, and new claims 40-44 are directed to such features.

### **Claim Rejections - 35 U.S.C. §103**

In paragraph 5 of the Office Action, claims 11-16, 18-21, and 23-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Comas, et al.* in view of *Best*, and further in view of *Rutkowski* (U.S. Patent No. 5,806,849). In response, Applicants have also amended independent claim 11 to include a user profile. Claim 11 is therefore distinguishable, as are its dependent claims, over the cited art for the reasons given above in reference to claim 17. In addition, Applicants point

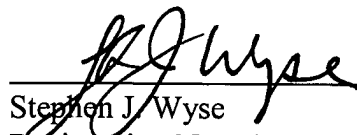
out that the voice communication system of *Rutkowski* only allows multiple players to communicate with each other (e.g., col. 4, lines 9-23), and does not disclose use of an interactive voice response unit. Applicants respectfully suggest that these amendments overcome this ground for rejection.

None of the references disclose the claimed structure or method, as now recited. Accordingly, pending independent claims 11, 17, and 26, particularly as now-amended, are distinguishable over the cited references, alone or in combination, used against the claims. The pending dependent claims, 12-15, 18-24, and 26-44, include all of the limitations of their respective parent claims. These claims also are believed to be patentably distinguishable over the cited combinations of references for the same reasons as those given with respect to their parent claims. Accordingly, re-examination, and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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Date: 19 Dec 01

  
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